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UNCLAS SECTION 01 OF 02 ABUJA 000194

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SUBJECT: NIGERIA: FAA TEAM OUT-BRIEF

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11. (SBU) SUMMARY. A FAA team of four arrived in Lagos January 14, 2008 to begin the first of many two week visits over the next 18-24 months. The FAA team is providing technical assistance to the government of Nigeria (GON) as they seek a category one rating in eight key areas: legislation, regulation, civil air authority structure and oversight functions, technical guidance, qualified technical personnel, licensing and certification, continued surveillance obligations, and resolution of safety issues. An out-brief session was attended by the Nigerian team leaders (20) including legal counsel and headed by Dr. Harold Demuren, Director General of the Nigerian Civil Air Authority (NCAA). The out-brief commended the Nigerians on their dedication to the process and their achievements thus far. All eight areas are on target and received an "in progress" rating. Dr. Demuren said that February 2008 would be a month of documentation and legislative activity and plans to be ready for the FAA team to return in March 2008. END SUMMARY

Recommendations/Status for the Eight Key Areas

12. (SBU) LEGISLATION. There was an issue concerning an apparent conflict between the Civil Aviation Act and the Nigerian Airspace Management Agency (NAMA) and Federal Airports Authority of Nigeria (FAAN) Acts. The conflict concerned a question of respective roles and responsibilities of the agencies. The NCAA has entered into a Memorandum of Understanding (MOU) with FAAN and NAMA to address this conflict. The recommendation is that the NAMA and the FAAN Acts be amended to eliminate any inconsistencies between those laws and the Civil Aviation Act. Since the legislative amendments will take time, the NCAA has drafted a directive for the Attorney General's signature.

13. (SBU) REGULATIONS. The NCAA adopted a comprehensive set of aviation regulations in 2006. The Nigerian Civil Aviation Regulations (CARs) are based on the International Civil Aviation Organization (ICAO) Model Civil Aviation Regulations (MCARS), with some requirements from other regulatory systems, including the UK, Australia, and South Africa. As a result of mixing regulations, it is not always clear what requirements should be followed. Also, the table of contents and numbering system is not very helpful. The FAA team recommended that the NCAA adopt, in whole, the ICAO Model Civil Aviation Regulations. This will take care of a number of deficiencies found in the CARs, including the regulation concerning the airworthiness code to be followed in Nigeria. Dr. Demuren would

like to begin related training as early as March and the regulation needs to be finalized for the training.

¶4. (SBU) CAA STRUCTURE AND OVERSIGHT FUNCTIONS. Recently the operations and airworthiness offices were consolidated to ensure proper coordination of certification functions. The team recommended that the Director General sign a directive, such as a policy and procedures manual, giving legal formality to the consolidation of work functions. In addition, all directorates have been formally established except for the legal office. The legal directorate should be integrated and established in accordance with Article 30(7) of the Aviation Act. The Director General should establish a policy and procedures manual (PPM) to complete this step. The integration of the legal office is critical to the effectiveness of the NCAA. Training for the inspectors should include legal personnel to establish teamwork and understanding. The NCAA is to complete its draft Enforcement Handbook and conduct joint training. Surveillance inspections should be documented.

¶5. (SBU) TECHNICAL GUIDANCE. Develop comprehensive technical guidance materials for inspectors and industry in accordance with ICAO Annexes 1, 6, and 8 prior to any certification or recertification. This includes development and implementation of MCARS and standardized training, e.g. Inspector Training System (ITS) program.

¶6. (SBU) QUALIFIED TECHNICAL PERSONNEL. The NCAA has assigned a qualified principal inspector (surveyor-in-charge) for each specialty to be responsible for each AOC holder and is in the process of interviewing applicants for additional inspector positions. It is recommended that MCARS and ITS training be in place before any new personnel are hired.

¶7. (SBU) LICENSING AND CERTIFICATION. The NCAA has developed a procedure for revision and control system for handbooks to ensure that currency is maintained. The NCAA needs to ensure testing procedures and all guidance materials are reviewed and updated when the MCARS are adapted.

¶8. (SBU) CONTINUED SURVEILLANCE OBLIGATIONS. The NCAA has

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implemented an annual surveillance system. It is recommended this system be automated, such as the Work Tracking System (WTS). Additionally, this system should be used to track and demonstrate surveillance follow-up action. The NCAA plans to hire additional inspectors and it is recommended that the MCARS and Inspector Training System be in place prior to those inspectors reporting duty.

¶9. (SBU) RESOLUTION OF SAFETY ISSUES. Training is critical in this area. Inspectors must be taught to conduct follow-up of safety deficiencies found during inspections. It is emphasized that the aviation industry must know that the NCAA is serious about carrying out its safety oversight responsibilities or the industry will have no incentive to comply with the regulatory requirements. Training should be conducted with the inspectors and legal personnel covering how to properly develop an enforcement case and prepare a package that will stand up in court. It is recommended that public hearings be held with industry to explain the new procedures. This way they will not be surprised when the NCAA begins exercising its powers.

¶10. (U) CONGEN LAGOS and FAA team cleared this message.

SANDERS